HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO:4753 of 2000

Dated: 26-09-2007

Between:

B.Ramachandra Reddy
And others.

..... Peti

AND

The District Collector,
Chittoor,
and others.

..... Respc

Counsel for the petitioners : Sri J.Bharat Reddy.

Counsel for the respondents : - none -

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HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.4753 of 2000

O R D E R:

This writ petition is filed for a writ of mandamus to declare the action of the respondents in seeking to dispossess the petitioners from the land measuring an extent of 52 cents in survey No.93 of Piler village and mandal of Chittoor district as illegal and, for a consequential direction not to dispossess the petitioners without following due process of law.

In the affidavit filed in support of the writ petition it is averred that the petitioners purchased an extent of 52 cents of land in Pileru village from the legal heirs of Attar Rehman Saheb under a registered sale deed dated 20.2.1992 for valuable consideration; that on the same date the petitioners' vendor delivered possession of the land; that respondent No.3 came to the plot 'recently' and started measuring the land by interfering with the petitioners' possession. It is further averred that on verification, the petitioners found that at the instance of respondent No.2 - Joint Collector, Chittoor, respondent No.3 – the Mandal Revenue Officer is contemplating to allot the land in favour of Lines Trust, Piler (sic Lions Trust). It is further asserted that survey No.93 is a patta land and in possession of the petitioners' vendor for the last 80 years and that the petitioners caused a legal notice dated 21.2.2000 issued to all the respondents wherein it was brought to their notice that the land in survey No.93 is not an assigned land and that therefore, their vendor had valid title over the same. It is also averred that the officers of respondent No.3 came to the sight and started measuring the land and that on being informed that the said land is being allotted to Lions Trust, Piler, the present writ petition is filed.

Sri V.Venkata Subba Reddy, Mandal Revenue Officer of Piler filed counter affidavit in which it is mentioned that an extent of Ac.1.80 cents of land in survey No.93 is classified as AWD as per revenue records i.e., 'A' Register and Adangal of Piler village and that the land belongs to the Government. The allegation that the said land is ancestral property of Attar Rehman Saheb is denied and it is averred that the land was assigned under a DKT patta as per 10(1) account. The claim of the petitioners that they purchased the said

land on 20.2.1992 from Attar Rehman Saheb under registered sale deed is denied. It is also stated that a notice was issued on 20.11.1993 to Attar Silar Saheb, who was in enjoyment of the land at the time of issue of notice, to show cause why DKT patta should not be cancelled as the land was lying waste for three Faslis, that the said Attar Siler Saheb refused to receive notice ad therefore, it was served through substituted service. It is further stated that as no explanation was filed by the said Attar Siler Saheb, the assignment was cancelled vide proceedings Dis.No.1466/93 dated 17.12.1993.

Heard Sri J.Bharat Reddy, learned counsel appearing for the petitioners. No one represented the respondents.

Though the petitioners in their affidavit claimed that an extent of 52 cents was purchased by them under a registered sale deed date 20.2.1992, they have not filed copy of the same. Similarly copy of the alleged legal notice dated 21.2.2000 is not filed. However, they filed a copy of the purported Ryot Passbook which shows the name of Attar Rehman Saheb. Similarly they also filed copies of 10(1) account and land revenue receipt, which do not contain any one's signature or seal authenticating the documents. Even the said documents do not show the names of the petitioners either as owners or enjoyers of the property. The petitioners therefore, miserably failed to substantiate their assertion that they have purchased the property in question and they are the lawful owners of the same.

As already noted in the counter affidavit, the Mandal Revenue Officer specifically asserted that the land in dispute belong to the Government and it was assigned to the ancestors of Attar Silar Saheb and after giving a notice, the assignment was cancelled. Since the petitioners were unable to establish their right or nexus over the property in dispute, no relief can be granted in their favour. If the petitioners are aggrieved by the cancellation of assignment it is always open to them to question the said order passed by the Mandal Revenue Officer before appropriate forum.

The writ petition is dismissed with the above observation.

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C.V.NAGARJUNA REDDY,J

Date:26.09.2007
mdaa